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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

REAR *Rw*
S.D. DIST. OF GA.

JEFFREY RESHUN STERLING,

Plaintiff,

vs.

CIVIL ACTION NO.: CV608-111

JOHNNY SMITH and
JOSEPH BURNETTE,

Defendants.


ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs in part with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In their objections, Defendants state that Plaintiff cannot be awarded punitive damages without alleging a physical injury. After review of the case law, the Court finds that 42 U.S.C. § 1997e(e) bars Plaintiff's request for punitive damages.

Defendants' Motion to Dismiss is **GRANTED**, in part, and **DENIED**, in part. To the extent that Plaintiff's Complaint can be read to assert 42 U.S.C. § 1983 claims for monetary damages against Defendants in their official capacities, Defendants' Motion is **GRANTED**. Plaintiff's claim for compensatory damages for emotional injury, his claim for punitive damages, and his request for injunctive relief are also **DISMISSED**.

Defendants' Motion is otherwise **DENIED**. Plaintiff's § 1983 claim that Defendants transferred him in retaliation for exercising his First Amendment right to free speech remains pending.

SO ORDERED, this 16 day of November, 2009.



B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA